

BOARD OF APPEAL REFERRALS

APRIL 28, 1977

1. Z-3842 Chester J. Luby, Trustee
1282-1284 Boylston Street, Boston
2. Z-3847 Michael Lewcarbeau
750 Hyde Park Avenue, Hyde Park
3. Z-3848 John Barbanti
571-573 Tremont Street, Boston
4. Z-3856 Trustees of Boston University
700 Commonwealth Avenue, Boston
5. Z-3857 George P. Demeter
163 Newbury Street, Boston

MEMORANDUM

April 28, 1977

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert F. Walsh, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing: 5/3/77

Petition No. Z-3842
Chester J. Luby, Trustee
1282-1284 Boylston Street, Boston
at Jersey Street

One-story structure - general business (B-2) district.

Purpose: to combine lots; to change occupancy from auto sales, display, and parking lot to auto sales, display, restaurant, and parking lot.

Violation:

Section 8-7. Sale over the counter of on-premises-prepared food or drink for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out, is conditional in a B-2 district.

Existing auto sales structure would be converted to restaurant facility (McDonald's) with seating for approximately 194 persons. Parking lot has provisions for 85 cars. Development has been reviewed with community.
Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3842, brought by Chester J. Luby, Trustee, 1282-1284 Boylston Street, Boston, to combine lots and to change occupancy from auto sales, display, and parking lot to auto sales, display, restaurant, and parking lot in a general business (B-2) district, the Boston Redevelopment Authority recommends approval with the following provisos: that occupancy be limited to restaurant and parking lot (auto sales and display use to terminate upon issuance of permit); that parking lot be used only by restaurant patrons and employees; that plans, inclusive of lighting, parking, traffic circulation, landscaping, refuse disposal, be submitted to the Authority for design review.



BROOKLINE

BOYLSTON

PETERBOROUGH

KILMARNOCK

VAN NESS

PARKING AREA

MARTIN LUTHER KING JR. SCHOOL

SEVEN DORSET FEMALE SCHOOL

STREET

1282-1284 BOYLSTON ST.

(B.P.)

Z-3842

STREET

STREET

STREET

STREET

IPSWICH

STREET

IPSWICH

INTERNAL SERVICE AVENUE

DRIVE

Board of Appeal Referrals 4/28/77

Hearing: 5/24/77

Petition No. Z-3847
Michael Lescarbeau
750 Hyde Park Avenue, Hyde Park
near Meacham Street

One-story structure - single-family (S-.5) district.

Purpose: to erect one-story addition to gas station and auto body shop structure.

Violation:

Required

Proposed

Section 8-7. Gas service station and auto body shop are forbidden in an S-5 district.

Section 20-1. Rear yard is insufficient.

50 ft.

35 ft.

Proposal represents an increasing use of Hyde Park Avenue as a gas service station area. Proliferation will diminish residential viability.
Recommend denial.

VOTED: In reference to Petition No. Z-3847, brought by Michael Lescarbeau, 750 Hyde Park Avenue, Hyde Park, for a forbidden use and a variance to erect a one-story addition to a gas station and auto body shop structure in a single-family (S-.5) district, the Boston Redevelopment Authority recommends denial. Proposal represents an increasing use of Hyde Park Avenue as a gas service station area. Proliferation will diminish residential viability.

Board of Appeal Referrals 4/28/77

Hearing: 5/24/77

Petition No. Z-3848
John Barbanti
571-573 Tremont Street, Boston
at Union Park

Four-story structure - local business (L-2) district.

Purpose: to legalize occupancy - lodging house, retail store,
accessory storage.

Violation:

Section 10-1. Accessory use shall not occupy more than 25% of floor area
of main use.

There is no objection to lodging facility. However, legalization of retail
liquor store variance would be contrary to Authority effort to restrict the
number of liquor facilities in the South End. This effort has strong sup-
port from the community. Recommend approval of lodging house and denial
of variance for liquor store.

VOTED: In reference to Petition No. Z-3848, brought by
John Barbanti, 571-573 Tremont Street, in the
South End Urban Renewal Area, for a variance to
legalize occupancy for lodging house, retail
store, and accessory storage in a local business
(L-2) district, the Boston Redevelopment Authority
recommends approval of lodging house and denial of
retail liquor store variance, which is contrary to
Authority effort to restrict the number of liquor
facilities in the South End. This effort has
strong support from the community



571-573 TREMONT ST.
(B.P.)
Z-3848

Board of Appeal Referrals 4/28/77

Hearing: 5/10/77

Petition No. Z-3856
Trustees of Boston University
700 Commonwealth Avenue, Boston
at Cummington Street

Eighteen-story structure - apartment (H-4) district.

Purpose: to change occupancy from dormitory, garage, commercial, administrative, and retail store to dormitory, garage, commercial, administrative, retail store, and restaurant.

Section 8-7. A restaurant is forbidden in an H-4 district.

Petitioner, through lessee, would operate an ice cream bar and restaurant primarily for on-premises consumption. Staff has no objection to the facility per se. However, petitioner has failed to submit a master plan in accordance with Mayoral Policy Statement on Medical and Educational Institutions. Recommend denial.

VOTED: In reference to Petition No. Z-3856, brought by the Trustees of Boston University, 700 Commonwealth Avenue, Boston, for a forbidden use for a change of occupancy from dormitory, garage, commercial, administrative, and retail store to dormitory, garage, commercial, administrative, retail store, and restaurant in an apartment (H-4) district, the Boston Redevelopment Authority recommends denial. Petitioner has failed to submit a master plan of land use policies in accordance with Mayoral Policy Statement on Medical and Educational Institutions.

A detailed street map of the area around 700 Commonwealth Ave. in Boston. The map shows a grid of streets including Beacon Street, Brookline Avenue, and various local streets like Mountfort, Mount, Arundel, Munson, Matland, Overland, Burlington, and Brookline. Key landmarks include Boston University, Boston University Medical Center, and several parks. A specific location is marked with a red dot and labeled 'Z-3856 700 COMMONWEALTH AVE. (B.P.)'. The map also shows a 'PARKING AREA' and a 'TRANSIT' station.

Board of Appeal Referrals 4/28/77

Hearing: 5/10/77

Petition No. Z-3857
George P. Demeter
163 Newbury Street, Boston
near Dartmouth Street

Three-story structure - general business (B-4-70) district.

Purpose: to change occupancy from one-family dwelling and statistical bureau to one-family dwelling, offices, and store; to erect patio and exterior display area; to erect retaining wall.

Violation:

Section 18-1. A below-grade plaza is not allowed within front yard in a B-4-70 district.

Front yard would be excavated to create a below-grade courtyard plaza serving basement-level retail space. Back Bay Architectural Commission granted approval in December. Recommend approval.

VOTED: In reference to Petition No. Z-3857, brought by George P. Demeter, 163 Newbury Street, Boston, for a variance for a change of occupancy from one-family dwelling and statistical bureau to one-family dwelling, offices, and store and to erect patio and retaining wall in a general business (B-4-70) district, the Boston Redevelopment Authority recommends approval. Back Bay Architectural Commission has approved development.

Z-3857
163 NEWBURY ST.
(B.P.)

